

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	
	)	CIVIL ACTION
	)	NO. _____
BILOXI MUNICIPAL SEPARATE SCHOOL	)	
DISTRICT; J. A. GRAVES, President,	)	
and PETER T. KULJIS, C. T. SWITZER,	)	
RICHARD CREEL, and MRS. DUDLEY	)	
ANDREWS, Members of the Board of	)	
Trustees of the Biloxi Municipal	)	
Separate School District; ROBERT D.	)	
BROWN, Superintendent of Education	)	
of Biloxi Municipal Separate School	)	
District; GULFPORT MUNICIPAL	)	<u>COMPLAINT</u>
SEPARATE SCHOOL DISTRICT; JAMES S.	)	
BATON, President, and CHARLES R.	)	
STOREY, EARL C. GAY, A. L. GREEN	)	
and G. M. OWEN, Members of the Board	)	
of Trustees of Gulfport Municipal	)	
Separate School District; and	)	
W. L. RIGBY, Superintendent of	)	
Education of Gulfport Municipal	)	
Separate School District,	)	
	)	
Defendants.	)	
	)	

FIRST CLAIM

The United States, as a claim against the Biloxi Municipal Separate School District, J. A. Graves, Peter T. Kuljis, C. T. Switzer, Richard Creel, Mrs. Dudley Andrews and Robert D. Brown, alleges:

1. This is an action to protect the interest of the United States that members and civilian employees of its Armed Forces and their dependents be not unconstitutionally discriminated against on account of race or

color in the use and enjoyment of educational facilities which have been built or are being maintained and operated with the use of funds of the United States under the provisions of P.L. 815 and P.L. 874, 81st Congress (Chapters 13 and 19 of Title 20 U.S.C.), with the resultant detriment to their service and morale.

2. This Court has jurisdiction of this action under Sections 1343 and 1345 of Title 28, United States Code.

3. The State of Mississippi maintains a statewide system of free public schools.

4. The Board of Trustees of the Biloxi Municipal Separate School District (hereafter referred to as the Biloxi Board) is vested under Mississippi law with the general administration and supervision of the public schools of the City of Biloxi. The Biloxi Board is composed of five members. Its principal office is in the City of Biloxi.

5. J. A. Graves is President of the Biloxi Board and Peter T. Kuljis, C. T. Switzer, Richard Creel and Mrs. Dudley Andrews are members of the Biloxi Board. Each resides in Biloxi, Mississippi.

6. Robert D. Brown is the Superintendent of Education of the Biloxi Board and as such is the chief executive officer of the Biloxi Board. He resides in Handsboro, Mississippi.

7. The plaintiff maintains Keesler Air Force Base in Harrison County, Mississippi, as a part of its national defense establishment and also maintains a Veterans Administration Hospital in Harrison County, Mississippi, for the treatment of veterans of its Armed Services.

8. Keesler Air Force Base, an Air Training Command installation, is the home of the Keesler Technical Training Center and the United States Air Force Ground

Operations School. The mission of the Keesler Technical Training Center is to train military personnel and civilian employees of the Air Force and other branches of the Department of Defense in missile systems, radar and radio operations and in the use and operation of other specialized electronics equipment. The United States Air Force Ground Operations School provides instruction for officers and certain selected civilians in the concepts, doctrines, tactics, techniques and procedures by which component air and surface combat forces plan, integrate and conduct joint and combined operations. Other units stationed at Keesler Air Force Base are Detachment 22 of the 24th Weather Squadron; the 2052nd Communications Squadron, a Coast Guard Air Detachment, the Keesler Detachment of the Eastern Mobile Depot Activity, Detachment 904 of the 9th District Office of Special Investigations, the 3380th Field Printing Squadron, a Trainer Area Depot Maintenance Detachment, Detachment 2 of the 1800th Support Squadron, the resident office of the 1033rd Auditor General Squadron, a United States Air Force Security Service Liaison Team, and the District Engineer of the United States Army Engineers.

9. Keesler Air Force Base is located on property owned by the plaintiff adjacent to the City of Biloxi. Biloxi, located in Harrison County, has a population of approximately 45,000 persons. Gulfport, located in Harrison County, has a population of approximately 30,000 persons. Harrison County has a population of approximately 120,000 persons.

10. There are approximately 25,225 military personnel and 2,590 civilian employees of the plaintiff stationed and employed at Keesler Air Force Base.

11. The plaintiff has constructed and assisted in the construction of 1,865 family housing units located

on Keesler Air Force Base. These units, which are owned and maintained by the plaintiff, have been constructed so that servicemen who are stationed at the base may live together with their families. Of these housing units, 530 have been built under the provisions of Title VIII of the National Housing Act, as amended on August 11, 1955 (Capehart Act, 42 U.S.C. 1594; 12 U.S.C. 1748, et seq.); 834 have been built under the provisions of Title VIII of the National Housing Act as in effect prior to August 11, 1955 (Wherry Act, 12 U.S.C. 1702 et seq., 1748 et seq.); 175 have been constructed under provisions of Title VIII of the National Housing Act (Lanham Act, 42 U.S.C. 1521 et seq.), and 326 have been constructed from funds appropriated by Congress for the Department of Defense.

12. There are no educational facilities on Keesler Air Force Base available to the school-age dependents of members and civilian employees of the plaintiff's Armed Services.

13. The Biloxi Board maintains and operates fourteen public schools for the education of children residing within the boundaries of the Biloxi Municipal Separate School District, including dependents of members and civilian employees of the plaintiff's Armed Services. These schools are Beauvoir, Dukate, Gorenflo, Howard #2, Jeff Davis, Lopez, Popps Ferry, West End and Perkins elementary schools; Fernwood elementary-junior high school; Central and Mary L. Michel junior high schools; Biloxi senior high school; and Nichols junior-senior high school.

14. Under the provisions of Chapter 13 of Title 20 of the United States Code, the Commissioner of Education has approved and the plaintiff has paid to the Biloxi Board during the period from 1951 to the present time a total of \$2,363,157 for the maintenance and operation of its schools.

These grants were approved and the payments made on account of the Biloxi Board providing public education for the dependents of members and civilian employees of the plaintiff's Armed Services, and the proceeds were used by the Biloxi Board to defray the general cost of maintaining and operating its public schools. A tabulation of the grants paid and the number of service-connected dependents on whose accounts they were paid, for each year since 1951, is set forth as Appendix A to this complaint.

15. Under the provisions of Chapter 19 of Title 20, United States Code, the United States Commissioner of Education has approved and the plaintiff has paid grants in the total amount of \$2,158,869.35 during the period from 1950 to the present time for the construction and improvement of the schools under the operating jurisdiction of the Biloxi Board. A tabulation of the funds paid by the plaintiff to the Biloxi Board on individual construction projects appears as Appendix B to this complaint.

16. Gorenflo Elementary School is located at 921 Lameuse Street in Biloxi and has a capacity of approximately 360 students. Its average daily attendance during the 1961-62 school year was approximately 354 students. Approximately 418 children of military personnel and civilian employees of the plaintiff were in attendance at Gorenflo Elementary School at the close of the 1961-62 school year.

17. The construction of Gorenflo Elementary School, consisting of five classrooms, necessary service rooms including book storage and office for faculty, cafeteria and kitchen, was completed on September 18, 1952, at a total cost of \$117,308.50. The plaintiff has paid to the Biloxi Board the entire cost of this construction under a grant applied

for by the Biloxi Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

18. Lopez Elementary School is located at 1317 West Howard Avenue in Biloxi, and has a capacity of approximately 570 students. Its average daily attendance during the 1961-62 school year was approximately 459 students. Approximately 142 children of military personnel and civilian employees of the plaintiff were in attendance at Lopez Elementary School at the close of the 1961-62 school year.

19. A two-story addition to Lopez Elementary School, consisting of four classrooms, toilet rooms, storage rooms, cafeteria with kitchen, detached boiler room, renovation of the existing boiler room, and renovation of the existing toilet and music room, was completed on April 19, 1954, at a total cost of \$114,629.20. The plaintiff has paid to the Biloxi Board the entire cost of this construction under a grant applied for by the Biloxi Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

20. Perkins Elementary School is located at 950 Bellman Street in Biloxi and has a capacity of approximately 720 students. Its average daily attendance during the 1961-62 school year was approximately 700 students.

21. The construction of Perkins Elementary School, consisting of six classrooms, office suite, storage rooms, lunch-multi-purpose room with stage, kitchen and auxiliary rooms, boiler and janitor's rooms, covered walk and toilets, was completed on March 11, 1954, at a total cost of \$122,809.10. Of this total cost of construction, the plaintiff has paid \$113,600.00 to the Biloxi Board under a grant

applied for by the Biloxi Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. An addition to Perkins Elementary School, consisting of four classrooms, covered connecting walk and auxiliary facilities, was completed on April 3, 1959, at a total cost of \$43,332.80. Of this total cost of construction, the plaintiff has paid \$19,565.00 to the Biloxi Board under a grant applied for by the Biloxi Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

22. Mary L. Michel Junior High School is located on Father Ryan Avenue in Biloxi and has a capacity for 660 students. Its average daily attendance during the 1961-62 school year was 600 students. Approximately 395 children of military personnel and civilian employees of the plaintiff were in attendance at Mary L. Michel Junior High School at the close of the 1961-62 school year.

23. The construction of Mary L. Michel Junior High School, consisting of ten classrooms, audio-visual room, four domestic science rooms, science room, art room, typing room, library, multi-purpose room with stage, chorus and piano rooms, band and practice rooms, drafting room, cafeteria and kitchen, boiler room, administrative suite, clinic, teachers' rooms, auxiliary rooms, a separate and detached building with shower and dressing rooms and necessary moveable furniture and equipment, was completed on February 15, 1955, at a total cost of \$657,660.37. Of this total cost of construction, the plaintiff has paid \$648,150.00 to the Biloxi Board under a grant applied for by the Biloxi Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of

Title 20, United States Code. An addition to Mary L. Michel Junior High School, consisting of four classrooms with auxiliary facilities and necessary equipment, was completed on November 27, 1960, at a total cost of \$46,339.01. The plaintiff has paid to the Biloxi Board the entire cost of this construction under a grant applied for by the Biloxi Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

24. Beauvoir Elementary School is located on Dewey Lawrence Boulevard in Biloxi and has a capacity for 600 students. Its average daily attendance during the 1961-62 school year was 628 students. Approximately 521 children of military personnel and civilian employees of the plaintiff were in attendance at Beauvoir Elementary School at the close of the 1961-62 school year.

25. The construction of Beauvoir Elementary School, consisting of nine self-contained classrooms, thirteen regular classrooms, multi-purpose room with stage, cafeteria, kitchen with service areas, administrative suite with clinic, heating room and workshop, auxiliary facilities, site work, covered walk and bus loading platform, was completed on September 21, 1959, at a total cost of \$467,435.38. Of this total cost of construction, the plaintiff has paid \$354,466.00 to the Biloxi Board under a grant applied for by the Biloxi Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

26. Jeff Davis Elementary School is located at 834 St. Mary's Boulevard in Biloxi and has a capacity of 600 students. Its average daily attendance during the 1961-62 school year was 559 students. Approximately 578

children of military personnel and civilian employees of the plaintiff were in attendance at Jeff Davis Elementary School at the close of the 1961-62 school year.

27. The construction of Jeff Davis Elementary School, consisting of twelve self-contained classrooms, eight regular classrooms, administration suite with clinic and teachers' workroom, book storage room, cafeteria, kitchen with service areas, mechanical room, multi-purpose room with stage, auxiliary facilities, covered bus loading dock, three short covered walks and equipment, was completed on May 25, 1961, at a total cost of \$386,247.64. The plaintiff has paid to the Biloxi Board the entire cost of this construction under a grant applied for by the Biloxi Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

28. Popps Ferry Elementary School is located on Will Rich Drive at Popps Ferry Road and has a capacity of 600 students. Its average daily attendance during the 1961-62 school year was 200 students. Approximately 156 children of military personnel and civilian employees of the plaintiff were in attendance at Popps Ferry Elementary School at the close of the 1961-62 school year.

29. The construction of Popps Ferry Elementary School, consisting of eight regular classrooms, twelve self-contained classrooms, storage room, administrative suite, multi-purpose room with stage, cafeteria with kitchen and service areas, two teachers' workrooms, boiler room, covered walks, bus loading dock, septic tank and field, equipment and auxiliary facilities, was completed on July 21, 1961, at a total cost of \$390,717.11. Of this total cost of construction, the plaintiff has paid \$326,066.00 to the

Biloxi Board under a grant applied for by the Biloxi Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

30. Central Junior High School is located at 503 East Howard Avenue in Biloxi and has a capacity for 780 students. Its average daily attendance during the 1961-62 school year was 511 students. Approximately 74 children of military personnel and civilian employees of the plaintiff were in attendance at Central Junior High School at the close of the 1961-62 school year.

31. An addition to Central Junior High School is currently under construction at an estimated cost of \$32,693.05. Of this total estimated cost of construction, the plaintiff has approved payment of \$32,498.00 to the Biloxi Board under a grant applied for by the Biloxi Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

32. In connection with each of its applications for a grant under Chapter 19 of Title 20, United States Code, as referred to in paragraphs 15, 17, 19, 21, 23, 25, 27, 29, and 31, the Biloxi Board gave written assurance, as required by 20 U.S.C. 636, that the school facilities of the Biloxi Board "will be available to the children for whose education contributions are provided . . . on the same terms, in accordance with the laws of the State in which applicant is situated, as they are available to other children in applicant's school district."

33. The military personnel and civilian employees of the plaintiff stationed or employed at Keesler Air Force Base, the Veterans Administration Hospital and other installations of the plaintiff within Harrison County include persons of both the white and Negro races. The school-age dependents of such personnel and employees include children of both the white and Negro races.

34. It is the policy and practice of the defendants in operating the public schools under their jurisdiction to segregate Negro students in separate schools maintained and operated solely for students who are of the Negro race.

35. The defendant Biloxi Board has operated and is presently operating Beauvoir, Dukate, Gorenflo, Howard #2, Jeff Davis, Lopez, Popps Ferry and West End elementary high schools; Fernwood elementary-junior/school; Central and Mary L. Michel junior high schools; and Biloxi Senior High School for the education of white children exclusively. The Biloxi Board has operated and is presently operating Perkins elementary school and Nichols junior-senior high school for the education of Negro children exclusively.

36. Pursuant to the policy and practice of the defendants to assign students to schools according to their race, all Negro school-age dependents of military personnel and civilian employees of the plaintiff residing within the boundaries of the Biloxi Municipal Separate School District are compelled to attend schools operated exclusively for members of the Negro race and are not permitted to attend schools available to white children similarly situated.

37. Pursuant to the policy and practice of the defendants to assign students to schools according to their race, the defendants assign Negro school-age dependents of military personnel and civilian employees of the plaintiff residing within the boundaries of the Biloxi Municipal Separate School District to schools further from their residences than other schools operated by the defendants for the education of white children exclusively.

38. Approximately 3,617 children of military personnel and civilians stationed or employed at Keesler Air Force Base, at the Veterans Administration Hospital and at other installations of the plaintiff within Harrison County, were in attendance at the public schools operated by the Biloxi Board during the 1961-62 school year and the majority of them will be returning for the 1962-63 school year. Of these children, approximately 245 are Negroes.

39. The defendants have failed and are now failing to make the public school facilities under their jurisdiction available to Negro dependents of the members and employees of the Armed Services of the plaintiff upon the same terms as such facilities are available to white children.

40. The acts and conduct of the defendants herein alleged violate the Fourteenth Amendment to the Constitution.

41. The defendants will, unless restrained by order of this Court, continue unconstitutionally to segregate dependents of military personnel and civilian employees of the plaintiff according to race in the public schools operated by the defendants, thereby causing irreparable injury to the plaintiff consisting of impairment of the services and morale of its military and civilian personnel

and the separation of servicemen from their families when the servicemen send their children to schools outside the area of the military installation at which they are stationed in order to avoid subjecting the children to racial discrimination in their education.

40. The plaintiff has no adequate remedy at law.

SECOND CLAIM

The United States, as a claim against the Gulfport Municipal Separate School District, James S. Eaton, Charles R. Storey, Earl C. Gay. A. L. Green, G. M. Owen and W. L. Rigby, alleges:

43. Plaintiff realleges all of the facts alleged in paragraphs 1, 2, 3, 7, 8, 9, 10, 11, 12, 33, 34, 39, 40, 41 and 42.

44. The Board of Trustees of the Gulfport Municipal Separate School District (hereafter referred to as the Gulfport Board) is vested under Mississippi law with the general administration and supervision of the public schools of the City of Gulfport. The Gulfport Board is composed of five members. Its principal office is in the City of Gulfport.

45. James S. Eaton is President of the Gulfport Board and Charles R. Storey, Earl C. Gay, A. L. Green and G. M. Owen are members of the Gulfport Board. Each resides in Harrison County, Mississippi.

46. W. L. Rigby is the Superintendent of Education of the Gulfport Board and as such is its chief executive officer. He resides in Gulfport.

47. The Gulfport Board maintains and operates seventeen public schools for the education of children residing within the boundaries of the Gulfport Municipal Separate School District, including dependents of military personnel and civilian employees of the plaintiff. These schools are Bayou, Central, North Central, Northeast, East Ward, West Ward, Mississippi City, Pass Road, Handsboro,

Anniston Avenue, Soria City and Gaston Point elementary schools; East, West and Bayou junior high schools; Gulfport senior high school and Thirty-Third Avenue elementary-junior-senior high school.

48. Under the provisions of Chapter 13 of Title 20 of the United States Code, the Commissioner of Education has approved and the plaintiff has paid to the Gulfport Board during the period from 1951 to the present time a total of \$1,109,139.75 for the maintenance and operation of its schools. These grants were approved and the payments made on account of the Gulfport Board providing public education for the dependents of military personnel and civilian employees of the plaintiff, and the proceeds were used by the Gulfport Board to defray the general cost of maintaining and operating its public schools. A tabulation of the grants paid and the number of service-connected dependents on whose account they were paid, for each year since 1951, is set forth as Appendix C to this complaint.

49. Under the provisions of Chapter 19 of Title 20, United States Code, the United States Commissioner of Education has approved and the plaintiff has paid or agreed to pay grants in the total amount of \$1,240,478.35 during the period from 1950 to the present for the construction and improvement of the schools under the operating jurisdiction of the Gulfport Board. A tabulation of the funds paid by the plaintiff to the Gulfport Board on individual construction projects appears as Appendix D to this complaint.

50. Handsboro Elementary School is located in Handsboro and has a capacity of approximately 240 students. Its average daily attendance during the 1961-62 school year was approximately 311 students, of whom approximately 135 were children of military personnel and civilian employees of the plaintiff.

51. An addition to Handsboro Elementary School, consisting of two classrooms, covered walkways and equipment, and the furnishing and installation of equipment in an existing kitchen and lunchroom, was completed on November 1, 1953, at a total cost of \$34,585.26. The plaintiff has paid to the Gulfport Board the entire cost of this construction under a grant applied for by the Gulfport Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

52. Bayou Elementary School is located on Washington Avenue in Gulfport and has a capacity of approximately 600 students. Its average daily attendance during the 1961-62 school year was approximately 493 students, of whom approximately 53 were children of military personnel and civilian employees of the plaintiff.

53. The construction of Bayou Elementary School, consisting of fourteen classrooms, multi-purpose room, cafeteria and kitchen, clinic, office suite, toilets and boiler room, was completed on October 28, 1953, at a total cost of \$189,070.78. Of this total cost of construction, the plaintiff has paid \$150,014.00 to the Gulfport Board under a grant applied for by the

Gulfport Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

54. The Thirty-Third Avenue elementary-junior-senior high school is located at 33rd Avenue and 20th Street in Gulfport. Its elementary classrooms have a capacity of approximately 480 students and its junior and senior high school classrooms have a capacity of approximately 555 students. The average daily attendance of its elementary classes during the 1961-62 school year was approximately 510 students, of whom approximately 43 were children of military personnel and civilian employees of the plaintiff. The average daily attendance of its junior and senior high school classes during the 1961-62 school year was approximately 701 students, of whom approximately 49 were children of military personnel and civilian employees of the plaintiff.

55. The construction of the Thirty-Third Avenue elementary-junior-senior high school, consisting of fifteen regular classrooms, laboratory, commerce room, shop and home economics department, library and study, administrative offices, teachers' lounge, toilets and boiler room, a separate cafeteria-kitchen building, a separate multi-purpose building with stage, dressing rooms and two classrooms, covered connecting walks and movable furniture and equipment, was completed on July 12, 1954, at a total cost of \$587,119.25. The plaintiff has paid to the Gulfport Board the entire cost of this construction under a grant applied for by the Gulfport Board and approved by the Commissioner of

Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. An addition to the Thirty-Third Avenue elementary school, consisting of four self-contained classrooms and two regular classrooms, enlargement of existing cafeteria, appurtenant facilities and equipment, was completed on September 26, 1958, at a total cost of \$105,033.46. Of this total cost of construction, the plaintiff has paid \$104,940.00 to the Gulfport Board under a grant applied for by the Gulfport Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

56. East Junior High School is located on 28th Street in Gulfport and has a capacity of approximately 676 students. Its average daily attendance during the 1961-62 school year was approximately 482 students, of whom approximately 72 were children of military personnel and civilian employees of the plaintiff.

57. An addition to East Junior High School, consisting of four regular classrooms with lockers, corridors and necessary equipment, was completed on February 7, 1958, at a total cost of \$41,372.34. The plaintiff has paid to the Gulfport Board the entire cost of this construction under a grant applied for by the Gulfport Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

58. West Junior High School is located on 44th Avenue in Gulfport and has a capacity of approximately 676 students. Its average daily attendance during the 1961-62

school year was approximately 447 students, of whom approximately 40 were children of military personnel and civilian employees of the plaintiff.

59. An addition to West Junior High School, consisting of three regular classrooms and one typing classroom, each with wall lockers and equipment, was completed on November 26, 1958, at a total cost of \$45,740.86. The plaintiff has paid to the Gulfport Board the entire cost of this construction under a grant applied for by the Gulfport Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

60. Mississippi City Elementary School is located on Dolan Avenue in Mississippi City and has a capacity of approximately 480 students. Its average daily attendance during the 1961-62 school year was approximately 433 students, of whom approximately 205 were children of military personnel and civilian employees of the plaintiff.

61. An addition to Mississippi City Elementary School, consisting of four self-contained classrooms, covered walk, auxiliary facilities, septic tank with fields, site drainage improvements and necessary equipment, was completed on November 16, 1959, at a total cost of \$63,279.64. The plaintiff has paid to the Gulfport Board the entire cost of this construction under a grant applied for by the Gulfport Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

62. Gaston Point Elementary School is located south of 17th Street and west of Mills Avenue in Gulfport and has a capacity of approximately 180 students. Its average daily attendance during the 1961-62 school year was approximately 193 students, of whom approximately 15 were children of military personnel and civilian employees of the plaintiff.

63. The construction of Gaston Point Elementary School, consisting of two self-contained classrooms, four regular classrooms, administrative suite with clinic, book storage, cafetorium with stage, kitchen and pantry, connecting corridors and auxiliary facilities, site work including paving for bus loading, parking areas, walks and drives, sewage lift station and equipment, was completed on July 20, 1961, at a total cost of \$132,122.25. Of this total cost of construction, the plaintiff has paid \$132,000.00 to the Gulfport Board under a grant applied for by the Gulfport Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

64. Gulfport High School is located on 15th Street in Gulfport and has a capacity of approximately 913 students. Its average daily attendance during the 1961-62 school year was approximately 913 students, of whom approximately 141 were children of military personnel and civilian employees of the plaintiff.

65. An addition to Gulfport High School, consisting of eight regular classrooms, one language laboratory, one mechanical drawing room, two locker areas, two teachers' workrooms, mechanical room, boys' and girls'

toilet rooms, auxiliary facilities and site work including walks, was completed on August 2, 1961, at a total cost of \$145,319.64. Of this total cost of construction, the plaintiff has paid \$81,427.00 to the Gulfport Board under a grant applied for by the Gulfport Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

66. In connection with each of its applications for a grant under Chapter 19 of Title 20, United States Code, as referred to in paragraphs 49, 51, 53, 55, 57, 59, 61, 63 and 65, the Gulfport Board gave written assurance, as required by 20 U.S.C. 636, that the school facilities of the Gulfport Board "will be available to the children for whose education contributions are provided ... on the same terms, in accordance with the laws of the State in which applicant is situated, as they are available to other children in applicant's school district."

67. The defendant Gulfport Board has operated and is presently operating Bayou, Central, North Central, Northeast, East Ward, West Ward, Mississippi City, Pass Road and Handsboro elementary schools; East, West and Bayou junior high schools; and Gulfport senior high school for the education of white children exclusively. The defendant Gulfport Board has operated and is presently operating Soria City and Gaston Point elementary schools; and Thirty-Third Avenue elementary-junior-senior high school for the education of Negro children exclusively.

68. Approximately 1,272 children of military personnel and civilian employees stationed or employed at Keesler Air Force Base, at the Veterans Administration Hospital and at other installations of the plaintiff within Harrison County, attended the public schools operated by the Gulfport Board during the 1961-62 school year and the majority of them will be returning for the 1962-63 school year. Of these children, approximately 130 are Negroes.

69. Pursuant to the policy and practice of the defendants to assign students to schools according to their race, all Negro school-age dependents of the military personnel and civilian employees of the plaintiff residing within the boundaries of the Gulfport Municipal Separate School District are compelled to attend schools operated exclusively for members of the Negro race and are not permitted to attend schools available to white children similarly situated.

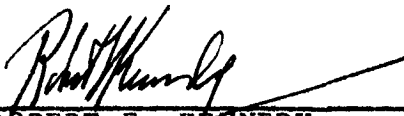
70. Pursuant to the policy and practice of the defendants to assign students to schools according to their race, the defendants assign Negro school-age dependents of military personnel and civilian employees of the plaintiff residing within the boundaries of the Gulfport Municipal Separate School District to schools further from their residences than other schools operated by the defendants for the education of white children exclusively.

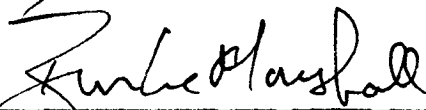
WHEREFORE, plaintiff prays that this Court enter an order enjoining the defendants, their successors in office, agents, employees, and all persons in active

concert or participation with them, from segregating or discriminating against, among, or between, upon the basis of their race or color, any dependents of military personnel or civilian employees of the plaintiff in the operation of public schools, together with such additional relief as may be appropriate.

UNITED STATES OF AMERICA,
Plaintiff,

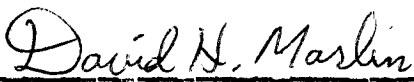
By:


ROBERT F. KENNEDY
Attorney General


BURKE MARSHALL
Assistant Attorney General

ROBERT E. HAUBERG
United States Attorney


ST. JOHN BARRETT, Attorney
Department of Justice


DAVID H. MARLIN, Attorney
Department of Justice

- Appendix A -

FEDERAL PAYMENTS MADE TO BILOXI MUNICIPAL SEPARATE SCHOOL DISTRICT, BILOXI, MISSISSIPPI,
FOR CURRENT OPERATING EXPENSES OF SCHOOLS UNDER PUBLIC LAW 874 AND THE
NUMBER OF FEDERALLY CONNECTED CHILDREN BY CATEGORY COUNTED FOR
PAYMENT FOR FISCAL YEARS 1951 THROUGH 1962

Fiscal Year	No. of Children Counted for Payment "A" Category 1/	"B" Category 2/	"E" Category 3/	Federal Payment
(1)	(2)	(3)	(4)	(5)
1951	224	738	402	\$ 33,192 ^{4/}
1952	404	779	623	92,196
1953	433	813	254	91,271
1954	546	810	239	108,656
1955	546	810	--	104,154 ^{5/}
1956	537	924	--	118,661
1957	594	1,016	--	149,199
1958	724	1,836	--	217,866
1959	734	2,090	--	268,255
1960	893	2,430	--	334,792
1961	832	2,433	--	392,935 ^{6/}
1962 (Est.)	1,335	2,352	--	451,980
Total	7,852	17,031	1,518	2,363,157

^{1/} Children who live on Federal property with a parent employed on Federal property (or in the Uniformed Services).

^{2/} Children who live on Federal property or with a parent employed on Federal property, but not both.

^{3/} Children for whom 3(a) or 3(b) entitlement was increased by the amount of State aid for which the school district was not yet eligible (state aid lag). This provision was eliminated by Public Law 248, effective July 1, 1954.

^{4/} Prorated at 96 percent

^{5/} Prorated at 99.5 percent

^{6/} Includes \$36,632 under subsection 3(f) for 226 "A" and "B" category children, the number reduced by reason of a decrease in or cessation of Federal activities.

- Appendix B -

School Construction Projects Approved under Public Law 815 for Biloxi Municipal Separate School District,
Mississippi, Including Application Periods, Project Numbers, Dates of Project Approval, Federal and
Local Funds Expended and Total Project Costs for the Period Fiscal 1951 Through 1962

Application Period	Project Number	Date Project Approved	Federal Funds	Local Funds	Total Cost
(1)	(2)	(3)	(4)	(5)	(6)
1950-52	51-C-2A	September 14, 1951	\$117,308.50	---	\$117,308.50
1950-52	52-C-2B	November 20, 1952	114,629.20	---	114,629.20
1950-52	52-C-2C	January 23, 1953	113,600.00	\$9,209.10	122,809.10
1950-52	52-C-2D	December 17, 1952	648,150.00	9,510.37	657,660.37
1956-58	58-C-2A8	May 3, 1958	354,466.00	112,969.38	467,435.38
1957-59	59-C-2A9	June 23, 1958	19,565.00	23,767.80	43,332.80
1958-60	60-C-2A10	December 21, 1959	336,247.64	---	386,247.64
1958-60	60-C-2B10	December 15, 1959	46,339.01	---	46,339.01
1958-60	* 60-C-2C10	January 22, 1962	32,498.00	195.05	32,693.05
1959-61	61-C-2A11	March 1, 1960	326,066.00	64,651.11	390,717.11
Totals			\$2,153,869.35	\$220,302.81	\$2,379,172.16

* Under Construction

- Appendix C -

FEDERAL PAYMENTS MADE TO GULFPORT MUNICIPAL SEPARATE SCHOOL DISTRICT, MISSISSIPPI
FOR CURRENT OPERATING EXPENSES OF SCHOOLS UNDER PUBLIC LAW 874 AND THE
NUMBER OF FEDERALLY CONNECTED CHILDREN BY CATEGORY COUNTED FOR PAYMENT
OF EACH FISCAL YEAR 1951 THROUGH 1962

Fiscal Year	No. of Children Counted for Payment		Federal Payment
	"A" Category 1/	"B" Category 2/	
1951	-	440	\$12,777.98
1952	-	825	42,208.73
1953	100	764	49,367.38
1954	-	716	44,005.20
1955	-	716	38,714.48
1956	-	833	50,471.47
1957	-	1,248	84,483.36
1958	-	1,654	120,485.63
1959	16	1,325	140,008.52
1960	19	2,108	170,413.00
1961	12	2,024	173,364.00
1962	9	2,008	182,340.00
Total	156	15,161	\$1,109,139.75

1/ These are the children who live on Federal property with a parent employed on Federal property.

2/ These are children who either live on private property with a parent employed on Federal property or live on Federal property with a parent employed on private property.

- Appendix D -

School Construction Projects Approved under Public Law 815 for Gulfport Municipal Separate School District, Mississippi, Including Application Periods, Project Numbers, Dates of Project Approval, Federal and Local Funds Expended and Total Project Costs for the Period Fiscal 1951 Through 1962

Application Period	Project Number	Date Project Approved	Federal Funds	Local Funds	Total Cost
(1)	(2)	(3)	(4)	(5)	(6)
1950-52 <u>1/</u>	52-C-4A	November 13, 1952	\$ 34,585.26	-	\$ 34,585.26
1950-52	52-C-6B	October 30, 1952	150,014.00	39,056.78	189,070.78
1950-52	52-C-6C	September 19, 1952	587,119.25	-	587,119.25
1956-58	58-C-6A8	March 22, 1957	41,372.34	-	41,372.34
1956-58	58-C-6B3	August 7, 1957	104,940.00	93.46	105,033.46
1957-59	59-C-6A9	June 2, 1958	45,740.86	-	45,740.86
1957-59	59-C-6B9	June 25, 1958	63,279.64	-	63,279.64
1958-60	60-C-6A10	June 24, 1960	132,000.00	122.25	132,122.25
1958-60	60-C-6B10	November 18, 1960	81,427.00	63,392.64	145,319.64
Totals			\$1,240,478.35	\$103,165.13	\$1,343,643.48

1/ Handsboro Consolidated School District, Harrison County, Mississippi, at the time of approval, now a part of Gulfport Municipal Separate School District.